

1813.302–570

1813.302–570 NASA solicitation provisions.

(a)(1) The contracting officer may use the provision at 1852.213–70, Offeror Representations and Certifications—Other Than Commercial Items, in simplified acquisitions exceeding the micro-purchase threshold that are for other than commercial items. This provision shall not be used for acquisition of commercial items as defined in FAR 2.101.

(2) This provision provides a single, consolidated list of certifications and representations for the acquisition of other than commercial items using simplified acquisition procedures and is attached to the solicitation for offerors to complete and return with their offer.

(i) Use the provision with its Alternate I in solicitations for acquisitions that are for, or specify the use of recovered materials (see FAR 23.4).

(ii) Use the provision with its Alternate II in solicitations for the acquisition of research, studies, supplies, or services of the type normally acquired from higher education institutions (see FAR 26.3).

(iii) Use the provision with its Alternate III in solicitation which include the clause at FAR 52.227–14, Rights in Data—General (see FAR 27.404(d)(2) and 1827.404(d)).

(b) The contracting officer may insert a provision substantially the same as the provision at 1852.213–71, Evaluation—Other than Commercial Items, in solicitations using simplified acquisition procedures for other than commercial items when a trade-off source selection process will be used, that is, factors in addition to technical acceptability and price will be considered. (See FAR 13.106.)

[67 FR 38904, June 6, 2002, as amended at 67 FR 50823, Aug. 6, 2002]

1813.303 Blanket Purchase Agreements (BPAs).

1813.303–3 Preparation of BPAs. (NASA supplements paragraph (a))

(a)(4) Non-GS–1102 or –1105 personnel shall not be authorized to place individual orders under a BPA in an amount greater than \$5,000. For sole source orders above \$2,500, a con-

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tracting officer's determination is required in accordance with FAR 13.106–1(b)(1).

1813.307 Forms. (NASA supplements paragraphs (b), (c), and (d))

(b) Installations may use locally prescribed forms.

(c) Installations may use locally prescribed forms.

(d) The SF 44 may be used for purchases of aviation fuel and oil of \$10,000 or less.

PART 1814—SEALED BIDDING

Subpart 1814.2—Solicitation of Bids

Sec.

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1814.408 Award.

1814.408–1 General.

AUTHORITY: 42 U.S.C. 2473(c)(1).

SOURCE: 61 FR 47079, Sept. 6, 1996, unless otherwise noted.

Subpart 1814.2—Solicitation of Bids

1814.201 Preparation of invitations for bids.

1814.201–5 Part IV—Representations and instructions. (NASA supplements paragraph (c))

(c) Section M, Evaluation factors for award.

(i) The contracting officer shall state if award is to be made in the aggregate (all-or-non basis) or by specified groups of items.

(ii) if bidders are required to have special technical qualifications because

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of the complexity of the equipment being purchased or for some other reason, the contracting officer shall state those qualifications.

1814.201-6 Solicitation provisions.

1814.201-670 NASA solicitation provisions.

(a) The contracting officer shall insert the provision at 1852.214-70, Caution to Offerors Furnishing Descriptive Literature, in invitations for bids. See FAR 52.214-21, Descriptive Literature.

(b) The contracting officer shall insert the provision at 1852.214-71, Grouping for Aggregate Award, in invitations for bids, except for construction, when it is in the Government's best interest not to make award for less than specified quantities solicited for certain items or groupings of certain items. Insert the item numbers and/or descriptions applicable for the particular procurement.

(c) The contracting officer shall insert the provision at 1852.214-72, Full Quantities, in invitations for bids, except for construction, when it is in the Government's best interest not to make award for less than the full quantities solicited.

(d) If a pre-bid conference is planned, the contracting officer shall insert the provision at 1852.215-77, Preproposal/Pre-bid Conference. See 1815.209-70(a).

[61 FR 47079, Sept. 6, 1996, as amended at 63 FR 9966, Feb. 27, 1998]

Subpart 1814.3—Submission of Bids

1814.302 Bid submission. (NASA supplements paragraph (b))

(b) NASA contracting officers shall not consider telegraphic bids communicated by the telephone.

Subpart 1814.4—Opening of Bids and Award of Contract

1814.404 Rejection of bids.

1814.404-1 Cancellation of invitations after opening. (NASA supplements paragraphs (c) and (e))

(c) The authority to make the determination at FAR 14.404-1(c) is delegated to the contracting officer, except

as provided in paragraph (e)(1) of this subsection.

(e)(1) A determination that includes an authorization to complete the acquisition through negotiation shall be made by the procurement officer, in consultation with the chief counsel.

1814.407 Mistakes in bids.

1814.407-3 Other mistakes disclosed before award. (NASA supplements paragraph (e))

(e) Procurement officers are authorized to make the determinations under 14.407-3 (a), (b), (c) and (d).

1814.407-4 Mistakes after award. (NASA supplements paragraph (d))

(d) Determinations shall be made by the procurement officer.

1814.408 Award.

1814.408-1 General.

(1) A notice of award as a specific document is used when the contracting officer needs to inform a responsible bidder that its offer was determined to be the most advantageous to the Government (considering only price and price-related factors) and that the formal award will be made upon satisfaction of specified pre-performance conditions.

(2) The notice of award is not a contractual instrument. It does not authorize the successful bidder to perform and, in itself, does not obligate the Government to award a contractual document. Its limited purpose is to provide: evidence of the Government's selection of the successful bidder; instruction to that bidder to satisfy specified pre-performance conditions; and a statement that the Government intends to award the contract to the successful bidder upon satisfaction of these conditions if a contract is awarded as a result of the invitation for bids.

(3) Use of a notice of award is optional. The contracting officer may issue the award document itself without first issuing a notice of award. However, there are instances when a notice of award should be considered, for example, in construction contracts where performance or payment bonds are required. In such cases, the most

cost effective technique is to require only the successful bidder to provide the necessary bonds. The notice of award advises the successful bidder to provide the bonds, and it also serves as formal evidence from the Government of the impending award if such evidence is required to secure the bonds.

(4) The notice of award shall not be issued unless bids have been evaluated and a selection made, and a definitive contract document is ready for execution upon satisfaction of the conditions specified in the notice. Upon satisfaction of these conditions, the approved and executed contract instrument shall be provided to the successful bidder.

(5) Since the notice of award is not a contractual document authorizing performance, the period of performance of the resultant contract shall not be based on the date of issuance or receipt of the notice of award. The period of performance specified in the contract shall be based on some other reference point, such as the date the contract is provided to the successful bidder, a mutually agreeable effective date of a later authorization to proceed date.

(6) The notice of award can be issued by any formal written means such as a letter, telegram or electronic means. The notice should be substantially the same as the following format.

Format

Subject: Notice of Award—Invitation for Bids (IFB) (a). This notice is to advise you that your bid (b) in response to the subject IFB has been determined to be the most advantageous to the Government (considering only price and price-related factors). It is the Government's intention to award you a contract in the amount of (c) for this effort pending satisfaction of the following pre-performance conditions: (d)

Evidence (e) of satisfaction of these conditions must be provided to the contracting officer by (f). In the event these conditions are not satisfied by this date, the Government reserves the right to award the contract to the bidder who submitted the next most advantageous bid.

Please note that this notice of award is not a contractual document. It does not obligate the Government to award you, or any other bidder, a contract relative to the subject IFB, and it does not authorize you to proceed with contract performance or incur costs pursuant to such performance. Any costs incurred for contract performance prior to your receipt of a fully executed contract doc-

ument are at your own risk and are not recoverable under any Government contract should the Government fail, for whatever reason, to award you a contract in response to the subject IFB.

If a contract is awarded after evidence of satisfaction of the pre-performance conditions listed above is provided to the contracting officer by the specified due date, the date of commencement of work will be provided with the formal award. This date will be based on (g).

NOTES.—The contracting officer shall insert, where shown, the following information:

- (a) Identification of the IFB by number and title.
- (b) Identification of the contractor's bid.
- (c) The award price.
- (d) The preperformance conditions (e.g., any required payment and performance bonds).
- (e) The evidence required to satisfy the pre-performance conditions (e.g., the actual payment and performance bonds).
- (f) The date by which the evidence must be provided to the contracting officer.
- (g) Identification of the date for commencement of performance. The period of performance of the contract shall not be based on the date of issuance or receipt of the notice of award. It shall be based on the date the contract is provided to the successful bidder, a mutually agreeable effective date, or a later authorization to proceed date.

PART 1815—CONTRACTING BY NEGOTIATION

Subpart 1815.2—Solicitation and Receipt of Proposals and Information

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- 1815.201 Exchanges with industry before receipt of proposals.
- 1815.203 Requests for proposals.
- 1815.203-70 Installation reviews.
- 1815.203-71 Headquarters reviews.
- 1815.203-72 Risk Management.
- 1815.204 Contract format.
- 1815.204-2 Part I—The Schedule.
- 1815.204-5 Part IV—Representations and instructions.
- 1815.204-70 Page limitations.
- 1815.207 Handling proposals and information.
- 1815.207-70 Release of proposal information.
- 1815.207-71 Appointing non-Government evaluators as special Government employees.
- 1815.208 Submission, modification, revision, and withdrawal of proposals.
- 1815.209 Solicitation provisions and contract clauses.
- 1815.209-70 NASA solicitation provisions.